

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRIS LANGER,
Plaintiff,

v.

MUSIC CITY HOTEL LP, et al.,
Defendants.

Case No. 21-cv-04159-PJH

**ORDER RE: DEFENDANT'S MOTION
TO DISMISS**

Re: Dkt. No. 10

Before the court is defendant's motion to dismiss plaintiff's original complaint. Plaintiff failed to oppose the motion to dismiss or even acknowledge the deadline to do so. Plaintiff instead filed an amended complaint six days late, along with notice of his intent to amend the complaint in lieu of opposing defendant's motion. Dkt. 11 & 12.

The court finds defendant's position meritorious. Therefore, the motion is GRANTED.

The court's dismissal of plaintiff's original complaint would necessarily have been with leave to amend, so plaintiff's amended complaint (Dkt. 12) is permitted to stand. Defendant must respond to plaintiff's amended complaint within 21 days from the date of this order. Plaintiff is warned that any more missed deadlines may result in a dismissal with prejudice.

IT IS SO ORDERED.

Dated: September 24, 2021

/s/ Phyllis J. Hamilton

PHYLLIS J. HAMILTON
United States District Judge